

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

PREMIER DRIVE ASSOCIATES LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 4:17-cv-00512
	§	
TRAVELERS CASUALTY INSURANCE	§	
COMPANY OF AMERICA,	§	
	§	
Defendant.	§	

**DEFENDANT’S NOTICE OF REMOVAL**

Defendant Travelers Casualty Insurance Company of America, improperly named in Plaintiff’s Petition as Travelers Casualty Insurance Company (“Defendant” or “Travelers”) files this Notice of Removal under 28 U.S.C. § 1446(a) and states as follows:

**I.**  
**INTRODUCTION**

1. Plaintiff Premier Drive Associates LLC (“Plaintiff”) commenced this lawsuit on June 23, 2017, by filing Plaintiff Premier Drive Associates LLC’s Original Petition (“Petition”) in the 417<sup>th</sup> District Court of Collin County, Texas – Cause No. 417-02882-2017.

2. Plaintiff’s Petition, which includes a jury demand, names Travelers as the only defendant in this action.

3. Travelers was served with Plaintiff’s Petition on June 29, 2017. Travelers thus files this Notice of Removal within the 30-day time period required by 28 U.S.C. § 1446(b).

**II.**  
**BASIS FOR REMOVAL**

4. Venue is proper in this District under 28 U.S.C. § 1441(a) because the state court where the action is pending is located in this District.

5. Removal is proper under 28 U.S.C. § 1332(a) if there is complete diversity between the parties and the amount in controversy exceeds \$75,000, exclusive of interest, costs and attorneys' fees. These two conditions are satisfied in this matter.

**A. Removal is Proper Because Complete Diversity of Citizenship Exists Between Plaintiff and Travelers.**

6. Plaintiff Premier Drive Associates LLC was at the time this lawsuit was filed, and at the date of this Notice remains, a Texas limited liability company with its principal place of business in Texas. The citizenship of a limited liability company is determined by the citizenship of its members.<sup>1</sup> Plaintiff Premier Drive Associates LLC's only reported member/manager is Samson Kassaye, who is domiciled in Texas. Consistent with this jurisdictional fact, Plaintiff's Petition states that Plaintiff is a Texas resident.<sup>2</sup> Plaintiff Premier Drive Associates LLC is thus a citizen of Texas for diversity jurisdiction purposes.

7. Defendant Travelers Casualty Insurance Company of America was at the time this lawsuit was filed, and at the date of this Notice, a Connecticut insurance company with its principal place of business in Connecticut. Travelers is thus a citizen of Connecticut for diversity jurisdiction purposes.

8. Because Plaintiff is a citizen of Texas and Travelers is a citizen of Connecticut, complete diversity of citizenship exists between Plaintiff and Travelers (now and on the date Plaintiff filed this lawsuit).

**B. Removal is Proper Because Plaintiff's Claimed Damages Exceed This Court's Jurisdictional Threshold of \$75,000.**

9. If it is facially apparent that Plaintiff's claims in this suit exceed \$75,000, exclusive

---

<sup>1</sup> See *Harvey v. Grey Wolf Drilling, Co.*, 542 F.3d 1077, 1090 (5th Cir. 2008).

<sup>2</sup> See Plaintiff's Petition at ¶2.

of interest, costs, and attorney's fees, Travelers' burden to establish the amount in controversy exceeds this Court's jurisdictional threshold is satisfied.<sup>3</sup>

10. Here, Plaintiff's Petition states that Plaintiff seeks to recover damages in excess of \$100,000.<sup>4</sup> It is thus facially apparent that Plaintiff's claims exceed this Court's jurisdictional threshold of \$75,000.

### **III.** **CONCLUSION**

11. Because there is complete diversity between the parties and the amount in controversy exceeds \$75,000 (excluding interest, costs, and attorneys' fees), removal of this action is proper under 28 U.S.C. § 1332(a).

12. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice will be filed with the clerk of the District Clerk of Collin County, Texas after Travelers' filing of this Notice.

13. As required by 28 U.S.C. § 1446(a), and Local Rule CV-81, a copy of each of the following are attached to (or filed with) this Notice:

- a. a list of parties in the case and their party type, attached hereto as **Exhibit A**;
- b. a civil cover sheet, attached hereto as **Exhibit B**;
- c. a copy of the state court docket sheet, attached hereto as **Exhibit C**;
- d. a copy of Plaintiff Premier Drive Associates LLC's Original Petition, attached hereto as **Exhibit D**;
- e. Defendant's Answer and Affirmative Defenses to Plaintiff's Original Petition, attached hereto as **Exhibit E**;
- f. A List of Attorneys involved in the action, attached hereto as **Exhibit F**;

---

<sup>3</sup> *Allen v. R&H Oil & Gas Co.*, 63 F.3d 1326, 1335 (5th Cir. 1999).

<sup>4</sup> *See* Plaintiff's Petition at ¶1. Plaintiff's Petition further specifies that Plaintiff seeks monetary relief . . . in excess of \$200,000.00 but less than \$1,000,000.00." *Id.* at ¶61.

- g. A record of which parties have requested trial by jury, attached hereto as **Exhibit G**; and
- h. The name and address of the court from which the case is being removed, attached hereto as **Exhibit H**.

14. Pursuant to 28 U.S.C. § 1446(d), written notice of filing of this Notice will be given to all adverse parties promptly after the filing of this Notice.

WHEREFORE, Defendant Travelers Casualty Insurance Company of America requests that this action be removed from the 417th Judicial District Court of Collin County, Texas, to the United States District Court for the Eastern District of Texas, Sherman Division, and that this Court enter such further orders as may be necessary and appropriate.

Respectfully submitted,

By: /s/ James W. Holbrook, III  
James W. Holbrook, III – LEAD ATTORNEY  
Texas Bar No. 24032426  
[jholbrook@zelle.com](mailto:jholbrook@zelle.com)  
Jennifer L. Gibbs  
Texas Bar No. 24050656  
[jgibbs@zelle.com](mailto:jgibbs@zelle.com)  
Tyler J. McGuire  
Texas Bar No. 24098080  
[tmcguire@zelle.com](mailto:tmcguire@zelle.com)

**ZELLE LLP**  
901 Main Street, Suite 4000  
Dallas, TX 75202-3975  
Telephone: 214-742-3000  
Facsimile: 214-760-8994

**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing Notice of Removal was served on all counsel of record on July 24, 2017, in accordance with the Federal Rules of Civil Procedure, as follows:

James M. McClenny  
James@mma-pllc.com  
J. Zachary Moseley  
Zach@mma-pllc.com  
Sean Patterson  
Sean@mma-pllc.com  
McCLENNY MOSELEY & ASSOCIATES, PLLC  
411 N. Sam Houston Parkway E., Suite 200  
Houston, TX 77060  
Telephone: 713-334-6121  
Facsimile: 713-322-5953  
*Attorneys for Plaintiff*

/s/ James W. Holbrook, III  
James W. Holbrook, III